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UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

13 In re:

14 USA COMMERCIAL MORTGAGE COMPANY,
 15 USA CAPITAL REALTY ADVISORS, LLC,
 16 USA CAPITAL DIVERSIFIED TRUST DEED FUND,
 LLC,
 17 USA CAPITAL FIRST TRUST DEED FUND, LLC,
 18 USA SECURITIES, LLC,

Debtors.

20 **Affects:**

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Case No. BK-S-06-10725-LBR
 Case No. BK-S-06-10726-LBR
 Case No. BK-S-06-10727-LBR
 Case No. BK-S-06-10728-LBR
 Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-
 10725 LBR

NOTICE OF HEARING RE OBJECTION OF USACM TRUST TO THE SANDLER LIVING TRUST'S CLAIM FILED AS SECURED AND IN WRONG DEBTOR'S CASE; OBJECTION OF DTDF TO PROPOSED ALLOWANCE OF CLAIM; AND CERTIFICATE OF SERVICE

Hearing Date: November 2, 2007
 Hearing Time: 9:30 a.m.

NOTICE OF OBJECTION TO CLAIM AND HEARING

THE USACM LIQUIDATING TRUST AND USA CAPITAL DIVERSIFIED
 TRUST DEED FUND, LLC ARE OBJECTING TO THE CLAIM THAT YOU



1 **FILED. UNLESS THE RESPONSE DEADLINE IS ADVANCED BY THE COURT,**
2 **THE DEADLINE TO RESPOND TO THE OBJECTION IS OCTOBER 26, 2007.**
3 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY COURT TO**
4 **DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS REGARDING THE**
5 **AMOUNT OF A CLAIM OR THE FILING OF A CLAIM SHOULD BE**
6 **DIRECTED TO THE UNDERSIGNED COUNSEL.**

7 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and
8 through its counsel, has filed an Objection to your claim filed in USA Commercial
9 Mortgage Company, Case No. 06-10725 on the ground that 1) the claim is not secured by
10 property of the USA Commercial Mortgage Company estate; and 2) the claim is based
11 upon an equity interest in USA Capital Diversified Trust Deed Fund, LLC ("DTDF") Case
12 No. 06-10727. DTDF, by and through its counsel, further objects to any proposed
13 allowance of your claim against the DTDF estate because your equity interest in DTDF
14 has already been deemed allowed. A copy of the Objection is provided to you with this
15 notice.

16 The Objection requests that the Court enter an order disallowing all or part of your
17 claim as to USACM and DTDF. If the Court grants the requested relief, it will not affect
18 your existing equity interest in the DTDF estate to the extent you hold an equity interest in
19 DTDF.

20 **NOTICE IS FURTHER GIVEN** that, unless the hearing date is advanced by the
21 Court, the hearing on the Objection will be held before the Honorable Linda B. Riegle,
22 United States Bankruptcy Judge, in the Foley Federal Building, 300 Las Vegas Boulevard
23 South, Courtroom 1, Las Vegas, Nevada, on **NOVEMBER 2, 2007 at the hour of**
24 **9:30 a.m. THE HEARING WILL BE HELD FOR THE PURPOSE OF STATUS**
25 **CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO**
26 **ARGUMENTS WILL BE HEARD ON THAT DATE. HOWEVER, IF THERE IS**



1 **NO RESPONSE TO THE OBJECTION, THE COURT MAY GRANT THE
2 RELIEF REQUESTED IN THE OBJECTION AND DISALLOW THE CLAIMS
3 FILED AGAINST USACM AND THE DTDF.**

4 **NOTICE IS FURTHER GIVEN** that, unless the response deadline is advanced by
5 the Court, any response to the Objection must be filed by October 26, 2007 pursuant to
6 Local Rule 3007(b), which states:

7 If an objection to a claim is opposed, a written response must be filed and
8 served on the objecting party at least 5 business days before the scheduled
9 hearing. A response is deemed sufficient if it states that written
documentation in support of the proof of claim has already been provided to
the objecting party and that the documentation will be provided at any
evidentiary hearing or trial on the matter.

10 If you object to the relief requested, you *must* file a **WRITTEN** response to
11 this pleading with the Court. You *must* also serve your written response on
12 the person who sent you this notice.

13 If you do not file a written response with the Court, or if you do not serve
14 your written response on the person who sent you this notice, then:

- 15 • The Court may *refuse to allow you to speak* at the scheduled hearing;
and
- 16 • The Court may *rule against you* without formally calling the matter at
the hearing.

17 Dated: September 19, 2007.

18 **SNELL & WILMER, LLP**

19 By /s/ Robert R. Kinas (006019)

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and

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7 *Attorneys for Post-Effective Date USA*
8 *Capital Diversified Trust Deed Fund, LLC*

9 Certificate of Service

10 I certify that a copy of the foregoing was served via first class mail, postage prepaid,
11 addressed as set forth below, on this 19th day of September, 2007 to:

12 The Sandler Living Trust
13 c/o Robert B. and Patricia D. Sandler, Trustee
14 8912 E. Pinacle Road, Box 591
15 Scottsdale, AZ 85255

16 _____
17 /s/ Christine E. Laurel
18 Christine E. Laurel
19 Lewis and Roca LLP

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